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April 11, 2006

The Honorable Arnold Schwarzenegger
Governor, State of California
State Capitol
Sacramento, CA 95814

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**COMMISSION ON
STATE MANDATES**

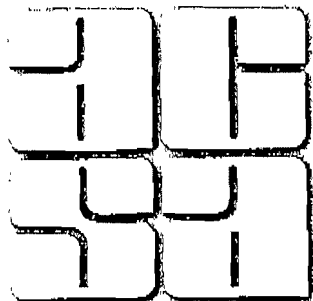
Dear Governor Schwarzenegger:

We have appreciated the efforts that you, Secretary Bersin and your senior staff have made to move forward on education issues this year. As you are well aware, unfunded education mandates have been and remain a significant priority for those of us in the education community. Your efforts to provide more funding for mandates to address the backlog of debt that is owed and for future funding reflects a positive attention on your part to this priority. We wanted to bring to your attention a matter that we think you can help with given our collective interest in moving this issue forward.

Over the past several weeks, we have learned more about legislative language included in a budget trailer bill last year impacting K-12 education. Language inserted into the current year budget act through AB 138, a local government trailer bill from last year, is viewed by the education community as a significant constraint on the right of school agencies to seek reimbursement for unfunded mandates. Specifically, the bill redefined the constitutional interpretation of a reimbursable mandate in ways that seriously jeopardize mandate reimbursements that have been honored by the state in the past. In addition, the language prompts the Commission on State Mandates to reconsider the nearly thirty-year old decision that permits local school agencies to be reimbursed for their efforts to seek mandate relief.

Lawmakers in the budget subcommittees are understandably upset that the trailer bill was represented as having no impact on school mandates and have requested that their staff prepare language for the upcoming budget that would reverse the negative impact of AB 138. Meanwhile, the Commission on State Mandates (COSM) is poised to take action this month on specific matters authorized by the trailer bill language. At the very least, we advocate that COSM should delay further action until the proper budget committees have had the opportunity to reconsider AB 138 and the solutions to this matter.

We are asking you to direct the Department of Finance to support language advanced by the education community that reverses the impact of AB 138 on the issues we have raised and to further direct the Department to cease all efforts that undermine the mandate reimbursement of local schools agencies. It is also imperative that the administration communicates immediately with COSM and your appointees to COSM that they should delay any action on AB 138 until further clarification on this matter. The confusion between action by COSM now and action to reverse themselves later this summer will create considerable confusion within the LEA community.



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We appreciate your prompt attention to this matter. Should you or your staff have questions or concerns on this matter, please contact me at 916-444-3216 or bwells@acsa.org or ACSA staff, Brett McFadden at bmcfadden@acsa.org

Sincerely,



Bob Wells

Executive Director

cc: Susan Kennedy, Chief of Staff
Alan Bersin, Secretary of Education
Bonnie Reiss, Special Advisor to the Governor
Michael Genest, Director of Finance
Paul Navarro, Legislative Assistant to the Governor